

SPEECH

Of Hon. J. R. Fleming of Eastland County, on the Substitute,

For Senate Joint Resolution No. 2, To Submit Certain Amendments to Art. VII of the State Constitution, Feb 22, 1883.

The senate having under consideration substitute for senate joint resolution No. 2, to submit certain amendments to article VII of the state constitution, Mr. Fleming said—

MR. PRESIDENT: In offering the amendment to fix the minimum tax at fifteen and the maximum tax at thirty cents, I desire to say that I think the tax should be sufficient to enable the state to carry on the schools six months in the year, and this having been accomplished, I am willing to authorize counties, localities, districts and communities throughout the state to supplement by levying a local tax by vote of the property-holders, or by the taxing powers of the district, to support the schools four months longer, thus making the session extend over a period of ten months.

At present the fund is only sufficient to maintain the schools about three and one-half or four months. We have a law upon our statute books which authorizes cities and towns to supplement the fund derived from the state with a tax not in excess of fifty cents. In the town in which I live we have established this system and with the addition of the fund arising from it, we are enabled to carry on the schools ten months in the year. We have changed the scholastic age, so as to allow children between the ages of six and twenty-one years to attend school, and I think the plan perfectly feasible and practicable for the entire state. We ought to submit such an amendment as will enable us to support the schools by a state tax for at least six months in the year, and in order to have ten months schools in localities it can be obtained by allowing the people in the different districts to vote a tax for a longer term. If they do not want the schools they can vote them down and still have the benefit of the six months schools provided for by the state tax. The legislature of Texas has seen proper thus to provide for cities and towns but have refused the privilege to populous and wealthy country precincts; and there is no reason for the unjust discrimination. If towns and cities have this privilege it ought also to be extended to the country. Though the proposed tax of fifteen cents may be sufficient to continue the schools six months in the year on the basis of the present scholastic age, yet as the scholastic population is increasing more rapidly than taxable values, within a few years it will be utterly insufficient to maintain the schools for this period. I am indebted to my friend the senator from Hood, (Mr. Traylor) for the following statement showing the amount we will have as an available school fund, if the report of the committee fixing the tax at fifteen cents on the one hundred dollar valuation be adopted:

Advulorem tax on \$40,000,000 of property, 15 cents, \$6,000,000
 Total, \$6,000,000
 Amount per capita from 8 to 14 years of age, \$5.00.

Now this calculation is based upon the present scholastic age; but if the scholastic age is increased, as it ought to be, so as to include all between the ages of six and twenty-one years the per capita will only be \$2.25, and this amount will not suffice to support the schools for as long a time as they are now maintained. A system of schools with the scholastic age fixed at eight as the minimum and fourteen as the maximum is a fraud, and the sooner we acknowledge it the better. Senators on this floor made an earnest effort yesterday to extend it. If it is extended, as I feel confident it will be, the tax of fifteen cents will not be sufficient, and I have therefore offered the amendment to fix it at not less than fifteen and not exceeding thirty cents on the one hundred dollar valuation.

Why can we not trust future legislatures of this state? Why should we lay down an inflexible rule that will prevent the people from levying a tax sufficient to continue the schools for ten months in the year? My experience and observation teach me that it is unwise to lay down unbending constitutional rules. We can afford to say it shall not exceed thirty cents, because in doing so a reasonable and sufficient tax can be levied; but if you restrict the amendment to a stated tax of fifteen cents, you take away from the legislature the power to increase or decrease the amount, except by a change in the constitution.

The senator from Travis, in advocating the district system, says the state system results in injustice to the people of the more populous counties, because they pay a much larger sum than they receive back in the education of their children, and that the less populous counties receive a bonus from the state fund. The argument of the senator from Travis, if carried out to its legitimate conclusion, amounts simply to this, that you ought not to impose a tax upon the people of rich and populous county to educate the children of a county less fortunate; that you ought not to impose a tax upon a wealthy man to educate the children of a man who is not wealthy; that you ought not to impose a tax upon a man with property to educate the children of a man who has no property. That every argument proceeds and has always proceeded in this country from the opposition to free schools. This is the argument of those who are opposed to free schools, and who declare that it is robbery that one man should be taxed to educate the children of another. This is their argument and the whole of it, and therefore that no tax should be levied upon wealthy and populous counties of this state to assist in educating the children in counties where the population is small and poor in taxable values.

My friend, the senator from Collin, says that five months school is enough for the laboring classes, and he arrogates to himself the right to represent them. He is not a representative of that class, for I have been informed by him, and by others that know him,

that he is a wealthy citizen of Collin county. When he is speaking in behalf of the poor, he is speaking in behalf of himself, because he does not want his property taxed to support the schools to educate the children of poor men. I do not know whether I pay as much tax as the senator from Collin, but I am willing to pay towards the education of all the children in this state without regard to class. I have voted in my own town for a tax of fifty cents upon my own property, in order to secure and maintain our schools for more than three months. When senators state that the revenue is doubled, and therefore sufficient to maintain efficient schools, they are not taken. They say that at present it is only 7 1/2 cents and that 15 cents will double it, and upon this predicate proceed to base the conclusion that the schools being operated for three and one-half months under the seven and one-half cents system, will be supported for seven months under the fifteen cent tax. I wish to call your attention to the character of the present system. Your only permit children between the ages of eight and fourteen years to attend public schools. The scholastic age should embrace every child in the state. If you increase the scholastic age, as you should, and as I voted to do upon yesterday, the senator from Travis voted against me—if the scholastic age was increased, the seven and one-half tax would support the schools for two months only.

I do not agree with the senator from Travis that the district system should be made the prominent feature in our school system and the state tax abolished.

Mr. Terrell—I wish to correct you—to correct just such a misconception. I stated the object here in the constitution, and that I was in favor of paying everybody's tax into the state treasury, and educating everybody's children.

Mr. Fleming—I am glad that the senator has corrected the impression, and I hope he will not again contend that people of the wealthy counties should not pay taxes for the benefit of the children of people living in poor counties, and at the same time announce that he is the friend of public free schools.

Mr. Terrell—I did not say that you ought not to tax one county for the benefit of another. I simply expressed the apprehension that if you taxed too much you simply cause a reaction against the school system.

Mr. Fleming—It is true you did not say so in so many words, but that is the legitimate and only conclusion that can be drawn from your argument. I voted for the amendment offered by the senator from Bexar, not because I preferred it, but that I esteemed it the best next to the one offered by myself.

I believe, however, that with the exception that it does not fix a minimum, it is a good provision. By saying we shall not exceed twenty-five cents, we do away with the necessity of a minimum tax, which some senators think is best, so that if we wish to conduct the schools at a tax less than fifteen cents, there would be no constitutional provision in the way of making a reduction of the tax.

MR. PRESIDENT: If I may be permitted in my place upon this floor to do so, I wish to say that I am a member of the Democratic party, and that our last platform pledged us to the establishment of an efficient system of schools. I desire to call the attention of gentlemen to the fact that not more than three general elections ago the majority of that party in Texas was 102,000. I also desire in this connection to direct their attention to the fact that at the last general election Democratic success was assured by a majority just a little in excess of 40,000.

Mr. Buchanan—What kind of a platform did the Democratic party run on this time? Was it not free schools, log cabin schools.

Mr. Fleming—Yes, sir; the platform declared that we should provide an efficient system of public free schools, and we have had the same provision in our platforms so often that the people begin to doubt our assertion and question our good faith. Legislatures under the control of the Democratic party have met time and again and have failed to redeem these pledges. Is the same policy to be continued? Have you no respect of these solemn promises? They will hold the Democratic party responsible for our action here. I direct your attention to these pledges and to the result of the last elections. I assert that in less than three years you have reduced the Democratic majority in this state from 102,000 to 40,000.

Mr. Gooch—The Democratic party has not decreased any in the last six years; it is immigration that has increased.

Mr. Fleming—I state that the Democratic party has decreased, and it will continue to decrease unless we redeem our pledges upon this question of free schools. Senators assert upon this floor that they are in favor of public free schools but when the proposition is made to perfect that system, they are the first to vote against it. I tell you people will judge of your opinion by your votes, and not by your assertions. The senator from Travis voted yesterday against an increase of the scholastic age, and he stated that he voted against it because the fund is not sufficient to carry on the schools with the present scholastic age. He had cited for our emulation the example of other states, but I tell him that there is scarcely a state in the union where the scholastic age does not extend from six to eighteen or twenty years. In view of the assertion of the senator from Travis, that he was willing to follow the example of other states of this union, I desire to read the following table furnished me by my friend, the senator from Morris (Mr. Penock), showing the amount of money expended for free schools by each of the states named:

STATE.	POPULATION.	EXPENSED.
Connecticut	422,780	\$1,232,000
District of Columbia	57,751	\$2,419,100
Indiana	1,978,055	\$7,700,147
Massachusetts	1,738,083	\$4,232,738
Michigan	1,436,827	\$1,436,827
Missouri	2,168,382	\$2,168,382
New York	4,082,571	\$9,232,411
Ohio	2,980,022	\$2,980,022
Iowa	1,624,035	\$1,624,035
Pennsylvania	4,282,891	\$7,180,000
Texas	1,300,748	\$1,300,748

It will be seen that Iowa, with a population a little in excess of that of Texas, spends nearly four times as much in her public schools as we do. Connecticut, with a population barely one-third as large as Texas, expends \$175,000 than we do. Then why not follow the example of these states in

the amount of money expended, as well as in other things. The scholastic age established in Texas under the provisions of a bill drawn by the senator for himself from eight to fourteen, and when other senators and I attempted on yesterday to extend the age, he voted against the proposition. The age established in the different states is as follows:

STATES.	Minimum.	Maximum.
Alabama	5	14
Arkansas	5	14
California	5	17
Colorado	5	21
Delaware	5	17
Florida	5	21
Georgia	5	18
Hawaii	5	15
Idaho	5	21
Illinois	5	21
Iowa	5	21
Kansas	5	21
Kentucky (white colored)	5	21
Louisiana	5	16
Maine	5	21
Maryland	5	20
Massachusetts	5	15
Michigan	5	20
Minnesota	5	21
Mississippi	5	21
Missouri	5	21
Montana	5	21
Nebraska	5	21
Nevada	5	18
New Hampshire	5	21
New Jersey	5	15
New York	5	21
North Carolina	5	21
Ohio	5	21
Oregon	5	20
Pennsylvania	5	21
Rhode Island	5	16
South Carolina	5	20
Tennessee	5	21
Vermont	5	20
Virginia	5	21
West Virginia	5	21
Wisconsin	5	21
Wyoming	5	21

Average minimum scholastic age: 5 years, 7 months, 10 days.
 Average maximum scholastic age: 19 years, 4 months, 10 days.

We should occupy a position in advance of all other states in the union. I desire to place Texas in advance of all other states. The argument of the senator from Travis and Cooke indicates to my mind that they favor a district system and not a state tax. I say that it is the duty of the Democratic party to give us a state school tax that will carry on the schools in the state for at least six months in the year, and I will vote to tax the districts in the country to supplement the fund derived from the state by a tax sufficient to carry on the schools for four months longer. I believe it to be our duty to redeem the pledges of the Democratic party made to the people of Texas, and I, for one, intend to redeem them as far as my individual effort will go. I wish no longer to see you drive men out of the Democratic ranks into the Independent or Republican parties by continuing to break its party pledges. The people will no longer be satisfied with assertions. If any one had heard the professions of the senator from Travis he would have thought him an advocate of free schools, but when he voted on the question of increasing the scholastic age he voted "No."

Upon every proposition to increase the tax, or rather the power of the legislature to impose a tax in excess of fifteen cents, he voted "No." He made an argument of two hours' length against the proposition even, but finally voted "No." I do not understand how gentlemen can be such friends of the public free schools of Texas and at the same time vote against them. The senator from Cooke has asked the senator from Travis if there is any state that measures the number of children they send to school by the amount of the fund, and he was bound to answer, "he knew of none." Nearly every state that has established and maintained an efficient system of public free schools has fixed the scholastic age with the minimum at five and the maximum at twenty-one years.

Mr. Terrell—rather than should we fail to amend the constitution, I am willing to vote for the amendment offered by the senator from Morris, not because I am in favor of it; I am in favor of no amendment unless it looks to the establishment of a reasonable minimum tax. I would be in favor of a minimum of twenty-five cents and a maximum of fifty cents. I have not offered such an amendment here, because I was satisfied that there was no prospect and no possibility of its passing the Senate. I am further satisfied that unless some measure is agreed upon, legislation upon the subject will be defeated. The senator from Cooke taunts the majority with being unwilling. I know of no senator upon this floor who has shown a greater reluctance to yield any of his opinions on any question than the senator from Cooke. He desires to establish a rule and say to the senate, unless you will adopt this you will get nothing. From my standpoint, I oppose fixing a minimum and a maximum of fifteen cents. I oppose prescribing an inflexible constitutional rule, because I think it a bad policy. It would be far better to fix a reasonable minimum, with the qualification that if the available school fund allowed, the legislature could reduce the tax below that amount; and it would be best to fix a maximum at fifty cents. My amendment was in the spirit of compromise. I believed honestly and earnestly that it would be in the interests of the people, and I am willing to declare that you may fix your inflexible rule, and I will vote for it, because I hope for nothing better. I am coming over (under protest) to the side of the senator from Cooke; and I am willing to concede my opinions upon this question to some extent rather than defeat legislation; and I certainly am as much entitled to do that as the senator from Cooke. I do not propose to say to the senate, you must come over to my opinion, or you will get nothing. The senator from Cooke must know that the spirit indicated in his remarks is not the proper one to manifest in seeking an adjustment of the differences of this body. He proposes to lay down an inflexible rule at fifteen cents. In order to take the question out of politics I do not believe the subject under discussion can be taken out of politics. It is a part of our constitution, and a part of the constitution of every state in this Union; and a part of every state government; and its being made a political question is the only way that the people of Texas were ever enabled to have a system of

public free schools.

Mr. Davis—I don't say that you must do this or that or the other. I was referring to what came from your side, that "unless you do this you would not give us a district system."

Mr. Fleming—I am glad to have the explanation from the senator from Cooke. I am perfectly willing to concede him the district system in part, but not exceeding a term of four months. Not that I believe that is the best system. My own opinion is that the state system is the best, because a burden upon the entire state would be much lighter than the same burden placed upon districts. It relegated to the district system, it would require the levy of a tax of one per cent, to carry on the schools in the weaker and sparsely settled counties. Yet with a state tax of thirty cents we would be able to conduct the system of public schools for ten months in the year. I would be willing to see a minimum tax without other qualifications, but there is no hope for it here. I believe the principle has been engrafted into the constitution that public free schools are for the benefit of the entire state. It is not for the benefit of a locality. I desire to vote for the most liberal appropriations. The state system is the best, and I will vote for it, although I am classed by the senator from Cooke as being on the "contrary and losing side."

Mr. President, it has been my misfortune to co-operate with the senator from Cooke on several important questions. Of them I will mention the repeal of the mandamus law, and invariably when I have found myself acting with him it turned out that I was on the "contrary and losing side." Our constitution, recognizing the principle of universal suffrage, has conferred upon all classes of the people the prerogative of citizenship, and it is our duty to prepare them for the intelligent exercise of such a responsibility.

Mr. Davis—I want to ask—

Mr. Fleming—No, sir; I decline to be further interrupted. I object to any explanation from the senator from Cooke, for fear that his explanation might bring me over to his side again; and I am satisfied that the senator from Cooke will not vote for this proposition, because he will persist in maintaining the "contrary and losing side." I have followed his lead; I have advocated his propositions until I am placed in that category by the senator himself. I propose to cut loose from the level of the senator from Cooke and follow somebody who is not always on the "contrary and losing side" of all questions. I have looked into the question some myself, and, notwithstanding I know he is a very great man and a talented man, and that he has occupied that position in the country, I must cut loose from him from fear that I will remain on the contrary and losing side. He has arrogated to himself the right to speak for the people on all questions. There are others in this senate who have arrogated to themselves the right to speak for the people of this country, and others, to speak for the citizens and school precincts. I want it distinctly understood that I represent no class upon this floor, but that I represent the state of Texas and I desire to see the interests of every class protected.

But to resume.
 The report of the superintendent of public free schools of New Hampshire shows that the effect of the district school system is to concentrate the wealth and population of a state in cities and towns, and that will be the result in our state unless the system is properly guarded. We are now depopulating the country and compelling the agricultural population to flow into cities and towns by the law permitting them to levy a special tax to maintain the schools in their corporate limits.

Look at Galveston, Brenham, Austin, Houston and San Antonio. They are filling up rapidly, and it is the result of their system of public schools.

The superintendent of public education in New Hampshire says the district system is a failure there, that it has stripped the country precincts of their population, and made the system, so far as the country is concerned, a total failure. And we cannot trust too much to do it down here. Besides, the history of legislation in this state on this subject shows that it has always been our policy to establish a state system of schools. While I am opposed to the district school system in this state, I am willing to let them have four months in the year, but I am not willing to yield all the way; and I do not believe that the fifteen cents proposed will be adequate to carrying on the public schools in the state, when the scholastic age is extended from eight to sixteen years of age, six months in the year. I have the minimum of the scholastic ages of all the states and territories in the union, and I do not find one but Texas which says that no child under the age of eight years shall enter the public schools. On the contrary, the average is from five and a half to nineteen and a half years.

I say that a system which restricts the scholastic age from eight to fourteen years is a fraud upon the public. It is a deception that they do not see into. I warn you now, that the friends of free schools in this state will yet drive you to extend the ages. You may defeat it now, but when the deception of this system is fully comprehended by the people, the legislature will be driven to make the change. The public free school sentiment is at bid it down. It has been gaining ground since the inauguration of the republican administration in 1870. Yesterday it had a majority of the votes of the senators upon the floor; and you will be compelled to yield, and extend the scholastic age to sixteen at least. And when that is done, the tax of fifteen cents will not support the public schools six months in the year. I desire to call the attention of senators to the state of Kansas. They have ten months' school there. The statistics show that during the last decade Kansas trebled her population, while that of Texas scarcely doubled. An efficient system of schools would be our best immigration bureau. But we come to the gentlemen and say that we are willing that you should lay down an inflexible rule, although it is over our protest. To adopt the amendment will require a two-third vote, and I am willing to come to the senator from Cooke on that account and say, fix your rule at twenty cents, and I will accept it, although it is against my best judgment, but if it is necessary to do it in order to secure a reasonable state system, I am willing to make the sacrifice. I am

willing to concede the district system for four months as a compromise, but that is also against my best judgment. We are able to do it, and it should be made a state system.

Mr. President, I have always been an earnest advocate of public free schools. In the constitutional convention of 1875 I voted for every measure that looked to the establishment of an efficient system. It is the duty of the statesmen of Texas, looking to the magnificent possibilities of her future, to prepare her children and the generations that will follow them, for the grand responsibilities that her mature development will thrust upon them. In the discussion of this great question, I am seeking, by my vote and voice, to redeem the pledges of the great party of which I am a humble member. I am seeking to place this state in the front rank, to keep her full up to the mark, up to the standard of the highest, in the great cause of education; to engraft upon her constitution in no uncertain language those great principles of constitutional liberty which are inseparably connected—universal suffrage and universal education. I am striving to elevate the masses of her people, that they may conquer for her in her onward march the grandest civilization that ever illustrated the history of a free people.

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